



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------------|---------------------|------------------|
| 10/531,137 | 09/16/2005 | Nicholas Andrew Murray Drought | 920602-99274 | 4529 |

23644 7590 11/29/2006

BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO, IL 60690-2786

| |
|----------|
| EXAMINER |
|----------|

KUMAR, RAKESH

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3654

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/531,137

Applicant(s)

NICHOLAS ANDREW MURRAY
DROUGHT

Examiner

Rakesh Kumar

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 09/22/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 5 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 2 and 5 are cancelled by the Applicant per amendment filed 09/22/2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4, and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over George et al. (U.S. Patent Number 6,155,454) in view of George et al. (U.S. Patent Number 5,909,822).

Referring to claim 1. George ('454) discloses a pill dispenser releasing apparatus (Figure 1D) for releasing tablets (22) from a blister pack (28) containing a plurality of tablets (22), each held in a respective blister (20),

the apparatus comprising receiving means (10) for receiving the blister (20) so that the pack is moveable on the receiving means(10),

and an abutment member (18) moveable into engagement with the blister (20) in registry therewith so as to eject a tablet (22) from that blister (20),

wherein the apparatus includes indexing means (moving member 10 into engagement with member 48; Figure 1D) for moving a blister pack (28) on the receiving means (10) to bring each of a succession of blisters (20) in turn into registry with the abutment member (18).

wherein the apparatus includes an actuating member (14), so linked to the indexing means (connected to member 48 through member 12) and the abutment member (18) as to operate both.

George ('822) discloses a pill dispenser (Figure 9A) wherein the indexing means (including 120, 128, 132 and 102) comprises a rod (102) pivotally (see pivot point 106; Figure 9B) attached to the actuating member (104), such that, in use a succession of operating strokes (up and down motion of member 102) of the actuating member (104) causes the rod (102) to engage (through member 104) the blister pack at each of a succession of positions along its length (132) to move the blister pack along the receiving means in a step wise fashion (see 128).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of George ('454) to include a rod pivotally attached to the actuating member as taught by George ('822) because the need of a biasing member to return the rod to the pre actuation position would be eliminated thus reducing cost.

Referring to claims 3 and 10. George discloses a pill dispenser releasing apparatus (Figure 1D) wherein the actuating member (14) is so linked to the indexing

Art Unit: 3654

means (48) and the abutment member (18) as to operate both by moving the actuating member (14) through a single operating stroke (a stroke of the motion of the plunger causing ejection of the tablet). The actuating member (14) is a lid, which releases a tablet when it is closed.

Referring to claim 4. George discloses a pill dispenser releasing apparatus (Figure 1D) wherein the actuating member (14) is pivotally mounted on the receiving means (member 14 connected to member 12 is in engagement with member 10), the abutment member (18) forming part of the actuating member (14).

Referring to claim 7. George discloses a pill dispenser releasing apparatus (Figure 1D) wherein the receiving means (10) comprises a tray having an end opening (see open end of member 12 through which member 10 exits) through which, in use, a blister pack (28) is advanced in a step-wise fashion by the indexing means (48).

Referring to claim 8. George discloses a pill dispenser releasing apparatus (Figure 1D) wherein the tray (tray portion of member 10 holding the blister pack) includes a further opening (see indentations 50 housing each blister in the blister pack; Figure 1D) through which a blister pack may be inserted into the tray (Figure 1D and 6A).

Referring to claim 9. George (5,909,822) discloses a pill dispenser releasing apparatus (Figure 1A) wherein the tray (112; Figure 9A) is flared (see right hand side where member 12 extends beyond the bottom tray; Figure 1A) at the further opening to facilitate insertion of a blister pack (10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of George (5,155,454) and include a tray which is flared facilitate the insertion of a blister pack into the dispensing apparatus as taught by George (5,909,822) because the blister park would be easier to load into the dispenser.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 09/22/2006 have been fully considered but they are not persuasive.

The indicated allowability of claim 5 is withdrawn in view of the newly discovered reference(s) to George et al. (US 5,909,822). Rejections based on the newly cited reference(s) follow. See rejections above.

Conclusion

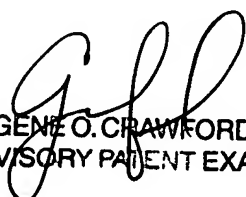
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RK
November 24, 2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER